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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of

Revision of the Commission's Rules
To Ensure Compatibility with
Enhanced 911 Emergency Calling Systems)

CC Docket No. 94-102
RM-8143

DA 00-1875

COMMENTS OF SBC WIRELESS, INC.

SBC Wireless, Inc. ("SBC Wireless") respectfully submits these comments in response to the Commission's Public Notice released on August 16, 2000. In the Public Notice, the Commission seeks comment on a request filed by the King County, Washington E-911 Program Office for assistance in resolving a conflict related to whether PSAPs, wireless carriers or 911 service providers¹ should be responsible for the costs of certain network and data base components associated with the delivery of Phase I service. Specifically, the Commission seeks comment on whether clearly defined demarcation points exist in the E911 network indicating which entity should be responsible for providing each of the network components necessary to implement Phase I technology. E911 networks, as currently configured, contain several clearly defined demarcation points, and SBC Wireless believes that responsibility should be apportioned as follows: PSAPs should bear responsibility

¹ Because 911 service providers are typically (although not always) LECs, that term is used throughout these Comments to refer to such providers.

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for the dimensioning, maintenance, and associated costs of the network components and facilities providing a voice connection from the LEC 911 Selective Router to the PSAP as well as the interconnections between the PSAP and the Automatic Location Identification (“ALI”) database (expenses typically assumed by commercial call centers). PSAPs should also remain responsible for any interfaces on the Selective Router necessary for PSAP interconnection (e.g., port changes) and facilities at the PSAP location (e.g., channel banks, network interface devices, the ALI controller, etc.). On the other hand, wireless carriers or their agents are typically, and should be, responsible for the voice interconnection between their Mobile Switching Center (“MSC”) and the LEC 911 Selective Router as well as data connections for carrying location and number data information to the ALI database or the interconnection point to the ALI database.

I. No provider should be responsible for network interconnections over which that provider has no control.

The division of responsibility set forth above reflects how responsibility has typically been allocated by states that have enacted E911 legislation, *see* Ind. Code § 36-8-16.5-39; Mich. Code § 22.1467 (303)(3); and 50 ILCS § 751/20, 30, as well as current assumptions held by LECs, PSAPs and wireless carriers. The Commission has recognized that LECs have control over their own interconnection service and the delivery of location information from their own databases.² As a result, LECs have always assumed responsibility for those network components. Similarly,

² “LECs have an obligation to provide CMRS carriers with nondiscriminatory access and interconnection to LEC networks for the provision of 911 and E911 services to wireless carriers.” FCC Dkt. 94-102, *Second Memorandum Opinion and Order*, released December 8, 1999, para. 103.

wireless carriers control the dimensioning and maintenance of interconnections between the wireless switch and the LEC, as well as mobile caller number and location information. Therefore, wireless carriers have assumed responsibility for those network components. PSAPs, on the other hand, control the network components that provide a voice connection from the PSAP to the Selective Router, as well as the interconnections between the PSAP and the ALI database. Indeed, PSAPs must already have connections to the ALI database and the LEC 911 Selective Router in place for use with wireline 911 service. Because PSAPs control those network components and facilities, they should remain responsible for dimensioning and all costs associated with such components and facilities.³

That PSAPs should bear responsibility for the voice connection to the LEC 911 Selective Router is further buttressed by the fact that, within regulatory confines, PSAPs are in the best position and have the ultimate authority to determine the quantity of lines into the PSAP location. If wireless carriers were to incur the costs of such components, PSAPs would have no accountability for the build out of their networks. Moreover, it makes little sense for wireless carriers to be responsible for

³ The State of Michigan has recognized that such network components are the responsibility of PSAPs. Section 303(3) of the Michigan Statute establishing wireless E911 provides:

The tentative 9-1-1 service plan shall require each public agency operating a PSAP under the 9-1-1 system to pay directly for all installation and recurring charges for terminal equipment, including customer premises equipment, association with the public agency's PSAP, and may require each public agency operating a PSAP under the 9-1-1 system to pay directly to the service supplier [LEC] all installation and recurring charges for all 9-1-1 exchange and tie lines associated with the public agency's PSAP.

Mich. Code § 22.1476(303)(3).

facilities interconnecting the PSAP with the LEC because wireless calls of all carriers, as well as wireline calls, may travel over those facilities. If the carriers were charged for such facilities, PSAPs would have to somehow split the charges among the carriers or provide separate facilities for each carrier. Neither solution would prove to be efficient. Because the final determination as to how best to dimension the facilities used to receive wireline and wireless emergency calls is within the discretion of the PSAPs, the PSAPs should remain responsible for the costs of this portion of the E911 network.

II. The prior requests of LECs, PSAPs and wireless carriers should dictate the current responsibility of such entities for the various network components.

In states where E911 laws have been enacted, both the wireless carriers and the PSAPs submit their costs to a cost recovery board or allocate costs via contract. Wireless carriers seek reimbursement for the interconnections between the wireless switch and the LEC, as well as transmittal of the voice path and of the number and location data to the LEC. These are the network components for which the carriers are responsible and over which the carriers have control. PSAPs seek recovery for the network components providing a voice connection from the PSAP to the LEC 911 Selective Router as well as the interconnections between the PSAP and the ALI Database. *See* FCC Dkt. 94-102, *Second Memorandum Opinion and Order*, released December 8, 1999, para. 94 (“LECs own and operate most of the 911 selective routers, ALI databases, the trunks to carry 911 calls and sometimes the Customer Premises Equipment (CPE) upon which the PSAP’s 911 system is based. The

service between the LEC and PSAP is contractual in nature and paid by the PSAP typically through a special tariff filed with the State public utility commission.”) By submitting the costs for such components to cost recovery boards, PSAPs have clearly acknowledged their responsibility for such components.

III. Cost allocation for wireline E911 does not provide a useful analogy.

The Commission has also requested comment on whether the allocation of cost responsibility for wireline E911 networks should inform the present debate. In the typical wireline context, a surcharge is approved by a municipality or other 911 district, monies are provided to the PSAP/911 district, and the telecommunications services are purchased from the LEC with those funds. Absent regulation to the contrary, the LEC has no unrecoverable “out of pocket” expenses.⁴ Because the PSAP relationship and cost recovery options differ for wireline and wireless carriers, the wireline scenario does not provide a useful analogy.

IV. The general demarcation points set forth herein will apply regardless of the technology employed.

Finally, the Commission has sought comment on whether the appropriate demarcation points for allocating cost responsibility among wireless carriers, LECs and PSAPs for providing the components necessary to implement Phase I service will vary according to the technology employed. The cost of certain components may vary and different components may be employed depending upon the

⁴ The initial plan for wireless cost recovery was to emulate that model, with expenses of both wireless carriers and PSAPs being reimbursed pursuant to state cost recovery mechanisms. Because PSAPs are guaranteed cost recovery, mandating that PSAPs should remain responsible for the interconnection costs discussed above is hardly inappropriate.

technology selected. Nonetheless, the general demarcation points set forth above apply regardless of whether non-callpath associated signaling (“NCAS”), callpath associated signaling (“CAS”) or hybrid callpath associated signaling (hybrid-CAS) technology is employed.

Conclusion

For all of the above reasons, the Commission should find that the demarcation points set forth above apply to the allocation of cost responsibility among LECs, PSAPs and wireless carriers.

Respectfully submitted,

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